

03560.002797

PATENT APPLICATION

7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 12 2004

In re Application of:

TETSUO SAKANAKA

Application No.: 09/838,277

Filed: April 20, 2001

For: OPTICAL FREE-SPACE

COMMUNICATION APPARATUS:

Examiner: D. Singh

Group Art Unit: 2633

Allowed: June 22, 2004

November 12, 2004

OFFICE OF PETITIONS

Attn.: Petitions Attorney
Office of Petitions
Crystal Plaza 4, Room 3C23

Mail Stop 313(c)
THE COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

11/16/2004 AKELLEY 00000014 061205 09838277

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PETITION TO WITHDRAW FROM ISSUE

UNDER 37 C.F.R. § 1.313(c)(2)

Sir:

The issue fee having been paid on September 22, 2004, pursuant to 37

C.F.R. § 1.313(c)(2), Applicant petitions the Commissioner to withdraw the

above-identified application from issue for consideration of the Request for Continued

Examination (RCE) attached hereto. The RCE requests entry, as a submission under 37

C.F.R. § 1.114, of the attached Request for Acknowledgment of Consideration of

Previously Filed Document.

EXPEDITED HANDLING REQUESTED

Because Applicant understands that an issue date for the present application has been set for November 16, 2004, expedited handling of this Petition is respectfully requested.

FORMAL MATTERS: AUTHORIZATION TO CHARGE PETITION FEE

The Commissioner is authorized to charge the petition fee of \$130.00, and any other fees necessitated by these papers to Deposit Account No. 06-1205. A duplicate of this paper is attached for this purpose.

REQUEST FOR INTERVIEW

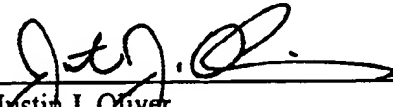
If any questions remain, Applicant respectfully requests that the Office of Petitions contact Applicant's undersigned representative at (202) 530-1010.

CONCLUSION

It is requested that the present application be withdrawn from issue for consideration of the RCE and its submission, the Request for Acknowledgment of Consideration of Previously Filed Document. Favorable consideration hereof is earnestly solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Justin J. Oliver
Attorney for Applicant
Reg. No. 44,986

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
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JJO/tmm

DC_MAIN 183971v1

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Alexandria, VA 22313-1450**

**REQUEST FOR ACKNOWLEDGMENT OF
CONSIDERATION OF PREVIOUSLY FILED DOCUMENT**

Sir:

Applicant has received a Notice of Allowance and Fee(s) Due form, mailed

June 22, 2004, in the above-identified application.

In reviewing the file for this application upon receipt of the Notice,

Applicant determined that an initialed copy of the Form PTO-1449 which accompanied the

Information Disclosure Statement filed July 24, 2001, had not been provided by the U.S.

Patent and Trademark Office (USPTO). Applicant's representative contacted the

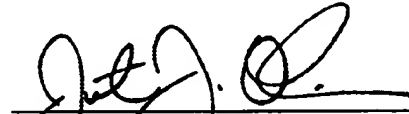
Examiner regarding this matter before paying the Issue Fee for this application. The Examiner requested that a copy of the Form PTO-1449 be faxed to the USPTO. Accordingly, Applicant's attorney faxed a copy of the Form PTO-1449 to the fax number provided by the Examiner (703-872-9306).

By the deadline for paying the Issue Fee, Applicant had still not received an initialed copy of the Form PTO-1449. Accordingly, Applicant paid the Issue Fee on September 22, 2004, and Applicant's representative has continued to try to obtain an initialed copy of the form.

Because the application is set to issue as a U.S. Patent on November 16, 2004, Applicant is requesting withdraw of the case from issue to obtain acknowledgment that the documents listed on the Form PTO-1449 filed on July 24, 2001, have been considered by the Examiner. In that regard, Applicant has attached a copy of the Information Disclosure Statement filed July 24, 2001, with the Form PTO-1449, as well as a date-stamped postcard indicating USPTO's timely receipt of the same. Applicant requests that the Examiner return an initialed copy of that Form PTO-1449.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Justin J. Oliver
Attorney for Applicant
Reg. No. 44,986

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DC_MAIN 183985v1

Commissioner for Patents
Washington, D.C. 20231

Date 7 / 24 / 01
Mo. Day Yr.

Atty. Docket 35.62797
Application No. 09/846,277

Sir:

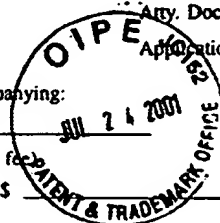
Kindly acknowledge receipt of the accompanying:

- ☐ Response to Official Action. _____
- ☐ Check for \$ _____ (claims fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$ _____
- ☐ Notice of Appeal and Check for \$ _____
- ☒ Information Disclosure Statement, PTO-1449 and 7 documents
- ☒ Claim for priority and certified copies of 1 (one) priority applications
- ☐ Issue fee transmittal and Check for \$ _____
- ☐ Other (specify) _____

by placing your receiving date stamp hereon and returning to deliverer.

Atty. JLO/tmm

Due Date N / D / D
Mo. Day Yr.



PG-0-08